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SIMPLY AWAITING CONSERVATION AND USE.

FOR DEFENDANTS TRIED BEFORE HIM.

ALL PRELIMINARY SURVEYS COMPLETED.

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Those who have lamented the lack of birds of brilliant plumage such as are usually considered, in all well accented story books, as the proper attributes of the tropics, are likely to find their desires answered by a visit to Maui, where, if the birds let loose on the slopes of Haleakala proper, there will soon be a numerous and noisy progeny of green parakeets or, parakeets as they are often more stylishly spelled, which have lately been let loose by somebody who evidently thought that they would look pretty flying through the trees. The parakeets were observed by naturalist R. C. L. Perkins so that there is but little hope of their having been a mistake made in their identity.

The parakeet has long been kept from our shores by a rigid rule prohibiting the parrot tribe from investing and infesting these islands. Love birds, another species of parrot and other cage birds of this family have only been allowed to land when the officers have been satisfied that there was no intention of using them for breeding purposes.

The parakeet has a wedge shaped tail and the variety known as the Carolina parakeet was not so very long ago plentiful in Florida from which it has now been practically exterminated although the bird at one time flourished to the Great Lakes of North America. Parrots are generally classed by naturalists as being found in "all warm countries," but hitherto they have not populated Hawaii. In Australia, even close to the cities, they are numerous, flying in vast flocks and deafening passers through the forests with their shrill and discordant cries.

They feed mostly on fruit and are accounted a menace to forestry. They are not insectivorous and in the plan of Nature seem to belong to the destroyers' class of those animals that eat the fruits of the earth without destroying their enemies, unlike other birds, which, while they fancy ripe fruit once in a while, take it only by way of dessert to their regular meal of fat caterpillars and other insects.

With the climate of Maui being so warm, there is every probability of Maui being soon burdened with parakeets, which while they may look pretty will soon prove nuisances in more ways than one unless measures are promptly taken for their extermination.

Eben Low who has received the Virginian grosbeaks on the Sierra and will introduce them in Hawaii as assistant insect destroyers, is afraid of the hawks that are quite common in the big island and who have the small birds and even chickens with a persistency that is discouraging to any newly introduced bird struggling to get along and rear a family in a fresh habitat.

However the grosbeaks and their ancestors probably can tell a "hawk from a hand saw" by virtue of their States experience and, it is trusted will circumvent the wiles of the sky pirates.

The grosbeaks are members of the finch family of which the well known cardinal bird, familiarized by the story of "A Kentucky Cardinal" is a close relative. They are considered very useful in getting after crawling and creeping things although they will not affect the borers.

LOOKING FOR A SHAW.

The relatives of A. Shaw, a young man who was employed as an illustrator on a local publication in 1899, are making inquiries for him. Shipping Commissioner Boyd has been asked to secure trace of Shaw. The last seen of Shaw was about the time of the opening of the Waiwala hotel in 1899. He disappeared completely as if swallowed by the earth.

THE WEATHER.

Weather Bureau, Punahou, 1 p. m. Wind fresh southwest; weather cloudy and warm; rain will come yet though not probably for a day or two. Morning minimum temperature, 73; midday maximum temperature, 79; barometer, 30.0; irregular (corrected for gravity); rainfall, 24 hours ending 9 a. m., .01; dew point, 74 a. m., 66; humidity, 9 a. m., 74 per cent.

CURTIS J. LYONS, Observer.

HOT PRIVATE BATHS.

A cold bath is a convenience easily attained, a hot, cleansing bath is not always available. You can get one at the Silent Barber Shop.

MAKING IT BEAUTIFUL.

That's what Real's wall paper can do to the home. Their elegant stock is always ready to show the customer and visitors are always welcome at the store.

Only a Few Left.

THE ROOMS OF THE BOSTON BUILDING ARE NEARLY ALL TAKEN. THOSE DESIRING OFFICES IN A CENTRAL LOCATION WITH GOOD ELEVATOR AND JANITOR SERVICE CAN LEARN TERMS AND FURTHER PARTICULARS BY APPLYING TO

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A ruling given this morning by Judge Humphreys, if sustained, will force the attorneys for defendants in the famous Kamalo sugar case, Hitchcock et al, vs Frank Huxtable et al, to begin the entire proceedings over again. The case came up this morning after having been remanded by the Supreme court to the first circuit court for the taking of further testimony. Judge Humphreys, after hearing argument declined to take jurisdiction. The attorneys for the plaintiffs will ask the Supreme court for a writ of mandamus to compel the judge to hear the case.

When the case was called Attorney McCants Stewart, F. M. Hatch, J. Alfred Magoon, A. G. M. Robertson, F. W. Hankey and E. B. McClanahan were present, representing the various parties interested. The question of whether Judge Humphreys, having heard the original trial, should sit again after the case had been remanded, was raised at once. All the lawyers present talked on the subject. McClanahan, Hankey and Robertson contending that a new judge ought to hear the case and Magoon, Hatch and Stewart that Humphreys should proceed. It was argued by the plaintiffs' counsel that the case itself had never been really heard on appeal, the Supreme court, without hearing the merits of the case, having granted a preliminary motion, ordering the lower court to receive further evidence on a certain point. The attorneys pointed out that a new judge could not hear this additional evidence alone, but would have to take up all the case.

Judge Humphreys held that under section 84 of the Organic Act he was disqualified. The section declares that no judge shall sit on appeal, or new trial, in any case in which he may have given a previous judgment. While holding that a new trial of the Kamalo case had not been ordered, technically speaking, the court said that the new proceedings would be virtually a retrial. The court stated that the decision had been reversed and that a new one would have to be found. "It may be that the Supreme court thought that as a matter of convenience and economy the case had better be heard by the first judge," said the court, "but it does not appear that the matter was specially considered, or that the Supreme court's attention was called to section 84 of the Organic Act. Under the decision it may not be necessary to hear the entire case again, but evidence is ordered taken on vital points which I have before decided. A new trial is virtually awarded. The parties, either plaintiff or defendant, should not be embarrassed by being compelled to bring their case before a judge who has already rendered decisions as to the issues. I do not believe I have jurisdiction and I decline to proceed further in the matter."

The plaintiffs' attorneys at once began proceedings to bring the matter before the higher court. If a new judge is to hear the remanded case, it will have to begin all over again as the judge will have to sign a new decree. Judge Humphreys hears the case he is in a position to decide after hearing simply the new evidence which was ordered taken.

Judge Gear is disqualified, having been a member of the firm of Davis and Gear when the suit was brought, the firm appearing for plaintiffs. If the Supreme court holds with Judge Humphreys, and refuses to mandamus him to hear the case, Judge Little will probably be sent for to sit in the matter.

A NEW LINE COMING

AMERICAN-HAWAIIAN STARTS IN JANUARY.

Will Inaugurate a Local Run Between San Francisco and Honolulu and Kailua Next Month.

On or about January 4, the local service of the American-Hawaiian steamship company will be inaugurated. The steamship Hyades has been specially chartered by the company and will be dispatched from San Francisco on or about that date. She will arrive here the morning of January 13. It is the intention of the company to run the Hyades but a couple of months longer, as they will then have their own vessels to put on the run.

Some time ago when the idea for establishing a steamship freight run between these islands and San Francisco was broached, the steamship people agreed to inaugurate the service by the first of 1902. Two vessels, the Nevada and Nebraska, vessels of 5,000 tons capacity each, were under construction especially for this service. Owing to the big strike of the steel workers and ship builders in the United States this year, it was found impossible to complete these vessels in time for the service between Hawaii and San Francisco. The company was able however to charter the Hyades which will be run until those vessels are put into commission.

For the present, the service will therefore, be monthly running from San Francisco to Honolulu and thence to Kailua and back again to San Francisco. With the advent of the new boats, the Hyades will be withdrawn and the service increased to semi-monthly. It is planned to later take in Hilo. The new boats have been specially constructed with a view to island trade and will have facilities for carrying live stock. Ample sugar contracts have been made already by the company. The vessels have been fitted with cold storage apparatus.

E. Morse the general freight agent of the company, is now sending out circulars today to the various business houses and shipping firms of the Territory announcing the inauguration of the service. He says that the new boats are expected to be in commission by April 1. They will make the trip from San Francisco in eight days.

CHINESE WANT MONEY.

A number of Chinese called on Governor Dole yesterday to plead with him for some provision by which they may get money which they claimed was due them, as Chinatown fire claimants. They said that they were destitute. The governor informed them that the matter was in the hands of the fire claims court, and that the court was at work on the claims.

RAY'S ESTATE.

United States Marshal Hendry today filed an inventory as executor of the estate of the late D. A. Ray in Hawaii, showing that the deceased left about \$1,000 worth of property in Hawaii.

LIEN SATISFIED.

Satisfaction of mechanic's and materialman's lien was filed today in the case of the W. J. England Plumbing Company against M. W. McChesney & Sons.

THE TALK OF THE TOWN.

Gruehagens fine candies, none better to be had at the Fountain Ice Cream and Confectionery Department of Wall, Nichols Co., Ltd.

THE SEARCHLIGHT.

Look out for the searchlight on the Heights.

ICE HOUSE DELICACIES.

Camarinos California Fruit Market is the place for ice house delicacies. Everything the California market affords at this season of the year can be found at Camarinos.

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DIVORCE WANTED.

Alexandrina Fernandez has brought suit for divorce from Manuel Fernandez on the ground of failure to provide. The couple were married in August, 1887.

FIRE CLAIMS COURT.

The court of Chinatown fire claims commissioners will probably adjourn this afternoon or tomorrow morning. The hearings of cases are about ended and this time will be needed for the clerk, J. M. Riggs to enter up the 3,700 decisions already arrived at.

TO GET RID OF A TROUBLESOME CORN.

First soak it in warm water to soften it, then pare it down as closely as possible without drawing the blood and apply Chamberlain's Pain Balm twice daily, rubbing vigorously for five minutes at each application. A corn plaster should be worn for a few days, to prevent it from the shoe. As a general remedy for sprains, bruises, lameness and rheumatism, Pain Balm is unequalled. For sale by all dealers, Benson, Smith & Company general agents.

SEMI-WEEKLY STAR.

Honolulu people who are going abroad can have the Semi-Weekly Star mailed to any address for the small sum of twenty-five cents a month. The Semi-Weekly Star contains all the local news of importance, besides the daily stock quotations.

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By the Y. and L. on next Friday W. A. Wall accompanied by A. J. Storm and Jacob Cooper will leave for the Kona coast of Hawaii and the work of making the final location for the line of the Kona-Kau railroad will be begun.

All the preliminary surveys have been made and exact maps of over a hundred miles of the line showing the contour of the country have been prepared. This line begins in North Kona and runs through that district, South Kona and Kau to Pahala. In a general way the line of the road is proposed to be run somewhere near the 1400 feet elevation. This will carry it through the part of Kona which has already a comparatively dense population which it is estimated will furnish from the very start a large passenger traffic. This is also the part of the country capable of the most development.

The proposed line will not encounter any lava flows until Kan is reached. The existing plantations the road will reach are the Kona Sugar Company for which M. W. McChesney & Sons are agents; the South Kona Agricultural Company hardly an existing plantation as yet, but upon which some development has been done; Hutchinson Plantation with its mills at Honapa and Naelehu; and the Hawaiian Agricultural Company with its mill at Pahala.

At just what points or landings the road will reach the sea has not yet been finally decided upon. The final determination will depend somewhat on the final surveys now to be made, and the final location of the line of the road.

The surveys and work now to be undertaken will include the final location of the road bed and the driving of stakes to guide the contractors in construction. This work will include the driving of six stakes each at points twenty-five feet apart along the entire length of the road. These stakes will be placed on the center of the roadbed, the sides of the roadbed and the cut or fill to be made.

The surveys already made include a line run along a proposed elevation with survey stations every hundred feet with contour lines along every ten feet elevation above and below this line for fifty feet on each side. The maps already made show all of this work.

The right of way for the line now to be located has practically all been secured. The failure of the legislature to pass the act asked for by the corporation affected it only to the extent that it has not the right of eminent domain and cannot condemn private property for its own use. The right of way therefore must be secured by negotiation with the owners of the land over which the road will run. This, it is said, has all been practically done, so that no hindrances are anticipated in this direction.

The corporation is now fully organized with the following officers: Carl Cooper, president; Jacob Cooper, vice-president; Charles T. Wilder, secretary; Harry Armitage, treasurer. These with W. G. Cooper and Gardner K. Wilder constitute the board of directors.

MAUI'S NARROW ESCAPE.

Had to Cut Cable to Get Out of Papehau.

The steamer Maui had quite an exciting experience at Papehau last Wednesday. In addition to one of the sailors being drowned while trying to swim ashore with a line, the vessel narrowly escaped going into the rocks herself.

There is a long cable running which is attached to the vessels and used for hauling freight to and from the boats. This cable was attached to the Maui as usual. Toward the latter part of her stay at Papehau, the weather freshened up considerably and the stern lines parted. This swung the steamer around. Captain Bennett saw that there was danger of his boat being swept onto the rocks if he did not move further out to sea, so the crew was ordered to get loose from the cable. They were unable to execute this order though, and finally the cable had to be cut before the boat could be gotten loose and headed for a safer anchorage.

KINAU SAILED TODAY.

The steamer Kinau sailed shortly after noon today for Hilo and way ports. She took a good sized load of freight and a number of passengers. Weller, Prince David's crack race horse, was sent over to be prepared for the coming of the Hilo. With the rough southerly weather now blowing, it is expected that the trip will be quite rough.

A PRUDENT MAN.

In these practical days a prudent man considers of the welfare of his family and himself, is not without some kind of life insurance in a safe and well-managed old-line company. Life insurance has become one of the best of business investments and it should not be forgotten in payment of premium that the longer the policy is continued, the greater becomes its surrender value. Insure your life in the Provident Savings. A Newhouse, resident manager; office 15-16 Progress Block.

AN OPPORTUNITY.

The 20 per cent reduction sale of books at the Golden Rule Bazaar will last only a few days longer. A large shipment of the latest books was received by the "Sierra," and they will all be sold at the above reduced price. This is an opportunity of a life-time and should be taken advantage of by all intending book-buyers.

TAX ASSESSMENTS.

The Board of Equalization met yesterday with Treasurer Wright. Another meeting will be held on March 3, by which time all taxation reports will be in, and assessments will then be made.

THE CHEAPEST HOUSE FOR TOYS.

The best and cheapest house for toys is our store. All kinds of toys for boys and girls now on show. L. B. Kerr & Co.

THE LATEST FAD.

Evening parties at the "Tea House" on the Heights is the latest fad.

ROYAL Baking Powder

Made from pure cream of tartar.

Safeguards the food against alum.

Alum baking powders are the greatest menaces to health of the present day.

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